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Nevada County Pesticide Regulatory Program 2007/2008 Performance Evaluation Report

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Performance Evaluation of the Nevada County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of Nevada County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for fiscal year (FY) 2007/2008. The assessment evaluates the performance of goals identified in the CAC's enforcement work plan (EWP) as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Program Standards Compendium.

I. Summary Report of Core Program

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to *meet* DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to *meet* DPR standards and work plan goals.

C) Enforcement Response:

The enforcement response program element was found to *meet* DPR standards and work plan goals.

Summary Statement:

Nevada CAC's program is currently effective at delivering the local enforcement program of the state; however, some deficiencies have been identified in the Nevada CAC's pesticide use enforcement program and those deficiencies are identified in the sections below.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance:

The Nevada CAC permit issuance procedures and performance were evaluated through observations, records review, and interviews of staff and found to conform to DPR standards and expectations. The three biologists that issue permits all possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law.

2) Site Evaluation:

The Nevada CAC site evaluation procedures were evaluated through observations, record review, and interviews of staff and found to conform

to DPR standards and expectations. The CAC issued 20 restricted materials permits (RMPs) and 124 operator identification numbers during FY 07/08. The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluates and determines if the use of feasible alternatives to restricted materials is required. Staff reviews all Notices of Intent (NOIs) in a timely manner and adequately monitors agricultural and nonagricultural permits utilizing pre-application site evaluations and use monitoring inspections.

Although the Nevada CAC adequately meets DPR expectations for restricted materials permitting, improvement in the quality of information for RMP maps in permit files is needed to better locate properties and identify sensitive sites.

B) Compliance Monitoring:

1) Inspections:

The Nevada CAC's permit inspection procedures and performance were evaluated through observations, records review, and interviews of staff and found to conform to DPR standards and expectations. One biologist that possesses Pesticide Regulation and Investigation and Environmental Monitoring licenses works as the lead person in PUE. Two Biologists assist as necessary. Inspections are performed according to DPR policies and procedures and inspection reports are, for the most part, complete and comprehensive. DPR is working with the CAC Deputy to improve the quality of inspection reports and to allow the EBL greater opportunity to conduct oversight inspections.

Inspections performed by the CAC were found to:

- Adequately address label, law, and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Include appropriate follow-up inspections and procedures.

2) Investigations:

The Nevada CAC investigation procedures and performance were evaluated through observations, record review, and interviews of staff and found to conform to DPR standards and expectations. The CAC investigates all complaints and notifies DPR and other agencies as required.

Investigations are thorough, complete, and submitted on approved forms according to DPR standards.

C) Enforcement Response:

The Nevada CAC enforcement response was evaluated through observations, records review, and interviews of staff and found to conform to DPR standards and expectations. The CAC's enforcement response was found to:

- Sufficiently support compliance; and
- Adequately protect the public and the environment.

Some deficiencies were noted in preparing Decision Reports (DRs). The CAC does not adequately address the requirements of the ERR in association with the development of DRs. Not all non-compliances that received a compliance action had a corresponding DR. DRs are not sent to DPR as required by time constraints contained in the ERR, following compliance action determination. Enforcement/Compliance actions are not recorded on the Pesticide Enforcement/Compliance Action Summary forms as required and the summaries are not submitted to DPR as required.

III. Recommendations:

Recommendations to improve the Nevada CAC's PUE program include:

- Improvement of restricted materials permit maps is needed to improve the permits and adequately protect the public and the environment.
- A greater enforcement focus on maintenance gardeners and Structural Pest Control Operators is being developed to ensure compliance with licensing and personal protective equipment requirements.
- The CAC needs to ensure that more opportunity is afforded to the EBL for conducting oversight inspections in Nevada County.
- DRs need to be created and sent to DPR as required by the ERR following compliance action determination.
- Enforcement/Compliance actions need to be recorded on the Pesticide Enforcement/Compliance Action Summary forms as required and the summaries need to be submitted to DPR as required.

IV. Non-Core and Desirable Activities

Desirable non-core activities include increased outreach to maintenance gardeners with the assistance of DPR.